

## § 154.1017

waters in 33 CFR 2.36; and proximity to fish and wildlife and sensitive environments.

[CGD 91-036, 61 FR 7917, Feb. 29, 1996, as amended by USCG-2008-0179, 73 FR 35014, June 19, 2008]

### § 154.1017 Response plan submission requirements.

(a) The owner or operator of an MTR facility identified only in § 154.1015(b), or designated by the COTP as a substantial harm facility, shall prepare and submit to the cognizant COTP a response plan that meets the requirements of §§ 154.1030, 154.1040, 154.1045, or § 154.1047, as appropriate. This applies to:

(1) A mobile MTR facility used or intended to be used to transfer oil to or from a vessel with a capacity of 250 barrels or more; and

(2) A fixed MTR facility specifically designated as a substantial harm facility by the COTP under § 154.1016.

(b) The owner or operator of an MTR facility identified in § 154.1015(c) or designated by the COTP as a significant and substantial harm facility shall prepare and submit for review and approval of the cognizant COTP a response plan that meets the requirements of §§ 154.1030, 154.1035, 154.1045, or § 154.1047, as appropriate. This applies to:

(1) A fixed MTR facility capable of transferring oil, in bulk, to or from a vessel with a capacity of 250 barrels or more; and

(2) An MTR facility specifically designated as a significant and substantial harm facility by the COTP under § 154.1016.

(c) In addition to the requirements in paragraphs (a) and (b) of this section, the response plan for a mobile MTR facility must meet the requirements of § 154.1041 subpart F.

### § 154.1020 Definitions.

Except as otherwise defined in this section, the definition in 33 CFR 154.105 apply to this subpart and subparts H and I.

*Adverse weather* means the weather conditions that will be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include, but are not

## 33 CFR Ch. I (7-1-11 Edition)

limited to, significant wave height as specified in §§ 154.1045, 154.1047, 154.1225, or 154.1325, as appropriate; ice conditions, temperatures, weather-related visibility, and currents within the COTP zone in which the systems or equipment are intended to function.

*Animal fat* means a non-petroleum oil, fat, or grease derived from animals, and not specifically identified elsewhere in this part.

*Average most probable discharge* means a discharge of the lesser of 50 barrels or 1 percent of the volume of the worst case discharge.

*Captain of the Port (COTP) Zone* means a zone specified in 33 CFR part 3 and, where applicable, the seaward extension of that zone to the outer boundary of the exclusive economic zone (EEZ).

*Complex* means a facility possessing a combination of marine-transportation related and non-transportation-related components that is subject to the jurisdiction of more than one Federal agency under section 311(j) of the Clean Water Act.

*Dispersant-application platform* means the vessel or aircraft outfitted with the dispersant-application equipment acting as the delivery system for the dispersant onto the oil spill.

*Dispersant Mission Planner 2* or (DMP2) means an Internet-downloadable application that estimates EDAC for different dispersant response systems. The NSFCC will use DPMP2 for evaluating OSRO dispersant classification levels.

*Effective Daily Application Capacity* or *EDAC* means the estimated amount of dispersant that can be applied to a discharge by an application system given the availability of supporting dispersant stockpiles, when operated in accordance with approved standards and within acceptable environmental conditions.

*Exclusive economic zone (EEZ)* means the zone contiguous to the territorial sea of the United States extending to a distance up to 200 nautical miles from the baseline from which the breadth of the territorial sea is measured.

*Facility that could reasonably be expected to cause significant and substantial harm* means any MTR facility (including piping and any structures that